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Chapter 201 - Patrol Operations			
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USE OF FORCE AND DETAINEE INJURY REPORTING/INVESTIGATION

201.11-1 PURPOSE

To provide procedures for the reporting, documenting, investigating, and reviewing of all use of force/detainee injuries.

201.11-2 POLICY

It is the policy of the Detroit Police Department (DPD) that members shall document on a Use of Force/Detainee Injury Report (UF-002), every incident as defined by this Directive, occurring while a member is acting in an official law enforcement capacity while either on or off duty.

All Supervisor Investigation Reports (UF-002a) shall be impartial, thorough, and complete to the extent reasonably possible and shall determine whether the officer's action was justified. These investigations shall be conducted by a supervisor who did not authorize, witness, or participate in the incident. No investigation shall be closed prematurely simply because a subject or complainant is unavailable, unwilling, or unable to cooperate, including a refusal to provide medical records or proof of injury.

201.11-3 Definitions

201.11-3.1 Allegation of a Use of Force

Any case where a citizen alleges that force was used and the involved member denies using force or did not report it.

201.11-3.2 Critical Firearm Discharge

Each discharge of a firearm by a DPD officer, with the exception of range and training discharges and discharges at animals.

201.11-3.3 Detainee/Prisoner Injury

An injury or complaint of an injury that occurs in the course of taking or after an individual was taken into DPD custody that is not attributed to a use of force by a DPD employee.

Note: *This would include, but not limited to, vehicular pursuits and foot pursuits resulting in injuries to the fleeing subjects.*

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The use of light physical pressure to guide a person, or keep a person in place.

201.11-3.5 Force

The term “force” means the following actions by an officer: any physical strike or instrumental contact with a person; any intentional attempted physical strike or instrumental contact that does not take effect; or any significant physical contact that restricts the movement of a person. The term includes the discharge of firearms; the use of chemical spray, choke holds or hard hands; the taking of a subject to the ground; or the deployment of a canine. The term does not include escorting or handcuffing a person with no or minimal resistance. Use of force is lawful if it is **objectively reasonable** under the circumstances and the minimum amount of force necessary to effect an arrest or protect the officer or other person is used.

201.11-3.6 Hard Hands

Using physical pressure to force a person against an object or the ground, or the use of physical strength or skill that causes pain or leaves a mark.

201.11-3.7 Hospital Admission

Refers to any person admitted to a hospital on an “in-patient” basis for treatment of any illness or injury by a qualified medical and/or mental health professional. The term hospital admission does not include emergency room visits or medical and/or mental health treatment completed on an “out-patient” basis.

201.11-3.8 Injury

Any impairment of physical condition or pain.

201.11-3.9 Non-involved Supervisor

A supervisor who did not authorize, witness or participate in the incident.

Note: *A non-involved supervisor must conduct the investigation.*

201.11-3.10 Serious Use of Force

Any action by a DPD officer that involves:

- 1) The use of deadly force, including all critical firearm discharges;
- 2) A use of force in which the person suffers serious bodily injury or requires hospital admission;
- 3) A canine bite; and
- 4) The use of chemical spray against a restrained person.

Note: *Officers are prohibited from spraying a handcuffed individual in a police vehicle (Directive 304.3-5.1).*

201.11-3.11 Verbal Direction

Any audible commands/orders from a member to a subject giving specific instruction for a task to be performed. Included in verbal direction are verbal warnings, whereas an outcome is indicated if the subject does not follow the command/order.

201.11 Use of Force Reporting and Investigation**201.11-4 Use of Force/Detainee Injury Incidents and their Categories**

A UF-002 shall be prepared for each of these incidents by the involved officers except allegations of force, which shall be completed by a supervisor.

Use of force is broken into five (5) types of incidents based on their categories:

1. Use of force;
2. The drawing of a firearm and acquiring a target;
3. Detainee injuries, including:
 - A. Attempt suicides; and
 - B. Vehicular and foot pursuits resulting in injury to the subject;
4. Allegations of force by DPD members; and
5. Pre-planned use of force.

201.11-4.1 Category 1 Incidents

Category 1 Use of Force: Investigated by Force Investigation (FI).

Category 1 uses of force include, and FI may delegate all other use of force or detainee injury investigations to the supervisor for a command investigation:

- 1) Death resulting from discharge from a member's firearm. Any death following an altercation with a member of this department;
- 2) All discharges of firearms (except at the firearms range and at animals);
- 3) The use of chemical spray against a restrained person;
- 4) Any use of force resulting in broken bones or loss of consciousness. Injury requiring hospitalization or a substantial risk of death, serious disfigurement, disability or impairment of the functioning of any body part or organ, and head strikes with an impact weapon;
- 5) Department canine bites; and
- 6) Allegations of a use of force that are of a Category 1 type.

Category 1 Detainee Injury Incidents: The responding supervisor shall notify FI, who shall assume responsibility for conducting and completing the following applicable investigations:

- 1) Any detainee injury resulting in broken bones or loss of consciousness;
- 2) Injury requiring hospitalization or substantial risk of death, serious disfigurement, disability, or impairment of the functioning of any body part or organ;
- 3) In-custody attempt suicide where there is a substantial risk of death, serious disfigurement, disability or impairment of the functioning of any body part or organ;
- 4) All in-custody deaths; and
- 5) Vehicular pursuits that result in a critical/fatal injury to the fleeing subject(s).

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201.11-4.2 Category 2 Incidents

Category 2 Use of Force: Investigated by the parent command (unless investigation is assumed by FI).

Category 2 uses of force include:

- 1) Physical controls (e.g. strikes, kicks, takedowns);
- 2) Compliance techniques (e.g. joint locks, pressure points);
- 3) Intermediate controls – Use of intermediate weapons that do not meet the criteria of, or cause injury as indicated in Category 1;
- 4) An injury or complaint of injury that occurs in the course of taking or after an individual was taken into DPD custody not requiring hospitalization; and
- 5) Canine deployment.

Category 2 Detainee Injury Incidents: The responding supervisor shall notify FI. The responding supervisor shall assume responsibility for conducting and completing all applicable investigations.

- 1) Any injury that occurs in the course of taking or after an individual was taken into DPD custody not attributed to a use of force by a DPD employee and **not requiring hospitalization**.
- 2) In-custody attempt suicide once assessed by FI and returned to the parent command.

201.11-4.3 The Drawing of a Firearm and Acquiring a Target

The parent command shall investigate incidents where a member draws a firearm and acquires a target (e.g., person, subject) **and there are no further uses of force**. Please refer to Training Directive 11-01, Reporting/Documenting the “Acquiring of a Target,” and Training Directive 1101a, Reporting/Documenting the “Acquiring of a Target” Audio/Video Review of the Incident” for detailed procedures for members and supervisors.

201.11-4.4 Pre-planned Use of Force

Refer to Manual Directive 305.4-6.3, Holding Cell Areas, for pre-planned uses of force and their digital videotaping requirements. Use of force in holding cells will be investigated along the same guidelines as all uses of force. Pre-planned uses of force regarding mass arrest procedures are addressed in Manual Directive 205.4, Strikes, Demonstrations, and Civil Disorders.

201.11-5 Member’s Responsibility for Reporting Uses of Force/Detainee Injuries

201.11-5.1 Immediate Notification

A member shall immediately notify the dispatcher for a supervisor to respond to the scene for the following:

- a. For any Use of Force or Detainee Injury;
- b. Any visible sign of injury; or

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c. A complaint of injury.

201.11-5.2 Notification upon Discharge of a Firearm

1. On Duty – The involved member or his/her partner shall immediately notify the zone dispatcher of the following:
 - Involved member's radio code;
 - Name and badge number;
 - Location; and
 - Whether any shots took effect or if there were any injuries.
2. Off Duty – The involved member shall immediately notify the local authorities. Then notify DPD's Communications Operations of the following:
 - Name and badge number;
 - Location; and
 - Whether any shots took effect or if there were any injuries.

Note: Off-duty officers are prohibited from carrying or using firearms or taking police action in situations where an officer's performance may be impaired or the officer's ability to take objective action may be compromised. If it appears that the officer making an arrest or carrying a firearm while off-duty has consumed alcohol or is otherwise impaired, the officer shall be required to submit to field sobriety, breathalyzer, and/or blood tests, only at the direction of FI or Internal Affairs (IA).

201.11-5.3 Officers to Provide a Statement

All officers who witness or are involved in an incident are required to provide a timely statement regarding the incident subject to the DPD's Garrity Protocol (Training Directive 04-4).

201.11-5.4 Required Paperwork for Use of Force/Detainee Injury Report (UF-002)**On Duty:**

1. Each officer who uses force in an incident shall submit a UF-002 through the Management Awareness System (MAS), or if MAS is inoperable, a paper UF-002 shall be completed.
2. Only one (1) UF-002 shall be completed for each involved officer. If there are additional subjects involved in the same incident they shall be listed in the narrative section of the report.
3. The member shall forward the report to his or her primary supervisor, or if the primary supervisor is not on duty, to the secondary supervisor for review and closure prior to the end of the officer's tour of duty. If either primary or secondary supervisors are not available, the officer shall forward the report to the officer-in-charge (OIC) of the desk.
4. The UF-002 form is not considered completed until the member preparing the form and the supervisor reviewing the form has signed the document. The involved officer shall ensure that the form is completed before concluding his/her tour of duty.

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Off Duty:

1. Members who become involved in any off-duty incident, while acting in his/her official capacity, in which there is a use of force shall immediately notify local law enforcement officers. The DPD's Communications Operations must be notified by the member whether the incident occurs inside or outside the corporate limits of the city of Detroit.
2. Members involved in an off-duty use of force incident anywhere shall immediately notify a supervisor at his/her command or the supervisor on the front desk, and complete a UF-002 as soon as possible, but no later than his/her next scheduled return to duty.
3. Off-duty officers shall notify on-duty local law enforcement officers, if outside the corporate limits of the city of Detroit, prior to taking police action, absent exigent circumstances, so that on-duty law enforcement officers may respond with appropriate personnel and resources to handle the problem.
4. While off-duty and outside the jurisdiction of the city of Detroit, members are reminded that absent a felony committed in the member's presence that presents a grave risk to the public welfare, member's are prohibited from taking police action as a representative of the DPD. Members shall keep in mind that they have the same rights as all other citizens when making or attempting to make a "citizen's arrest."

201.11-5.5 Content of the Use of Force/Detainee Injury Report (UF-002)

1. Each officer shall be required to complete a UF-002, whenever there is any use of force. Officers will also be required to document, on the UF-002, any detainee injury or complaint of injury in the narrative portion of the report.
2. All UF-002 reports shall specify the actions of the subject that necessitated the use of force, why the officer used force, specific information regarding the actions of the officer, description of any visible injuries, any subject complaints of injury, and whether medical treatment was received or refused.
3. Members are to document whether verbal commands were given and if so, the member shall document the details of the specific commands within the narrative section of the report. Additionally, members shall document all de-escalation options that were utilized prior to any use of force (e.g., "show me your hands," "step back," or "stop resisting," etc.) on the report. If no de-escalation options were used, members shall provide an explanation within the narrative section of the report describing why no options were utilized.
4. Members are to document the name of the supervisor who responded to the scene in the narrative section of the report.
5. The narrative section of the report shall be written in first person and all generalizations must be explained in detail.

201.11-5.6 "Acquiring a Target" - Member's Responsibilities

In instances where a member draws a firearm and acquires a target **and there are no further uses of force:**

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- The member shall notify a supervisor.
- The member shall complete the UF-002 within MAS.
- The report shall contain the specific actions by the subject and the circumstances that necessitated the acquiring of a target.
- The member shall forward the report to his or her primary supervisor, or if the primary supervisor is not on duty, to the secondary supervisor for review. If either primary or secondary supervisors are not available, the officer shall forward the report to the OIC of the desk.
- The UF-002 shall be submitted as soon as possible following the incident but prior to the end of the member's tour of duty.

201.11-5.7 Notifications of Injury upon Transfer of Arrestee

The arresting officer shall notify any other members who may take custody of the arrestee (e.g., detention personnel, conveying officers, etc.) if force was used on the arrestee, or if the arrestee has an injury or complaint of injury.

201.11-5.8 Transporting the Detainee for Medical Attention

1. Officers using force shall immediately obtain medical assistance for subjects who have sustained injuries, have a detainee injury, or who have a complaint of injury.
2. Generally, non-involved members shall convey detainees injured through police action. When necessary, Emergency Medical Service (EMS) shall be immediately requested to convey and shall determine the appropriate medical facility for treatment.
3. If the detainee is seriously injured, and there are no non-involved officers present to convey, officers shall immediately convey to a medical facility if EMS is unavailable. No member shall delay rendering medical attention, requesting EMS or the conveyance of any subject to a medical treatment facility pending the arrival of a supervisor.
4. Arresting and/or transporting officers shall ask the detainee if he/she is injured or ill when the detainee comes into the custody of the officer.
5. An injured detainee shall not be admitted to or held in a detention facility without being examined and released by a physician or qualified health care provider.
6. Refusal of treatment shall be verified by the designated cellblock supervisor (CBS) and documented on the member's Activity Log (DPD 250). The CBS shall receive the refusal documentation (obtained from the hospital) and record this information in the cellblock blotter. The refusal paperwork shall be placed in the detainee's file folder.

201.11-6 Supervisor's Responsibilities**201.11-6.1 Supervisor's Response to Scene**

1. A non-involved supervisor shall respond to the scene following any use of force/detainee injury.
2. Any use of force that involves a firearm discharge, a visible injury, or a complaint of injury shall be given the highest priority.

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3. A non-involved supervisor shall respond to all other uses of force/detainee injuries on a priority basis. For the purpose of this Directive a “priority basis” is defined as the current availability of supervisors and the nature of the situation (e.g., highly charged situations, agitated by-standers, potential for violence) whereas, response to the scene may increase volatility or be impractical.
4. Upon arrival at the scene, the supervisor shall:
 - Interview the officer(s);
 - Canvass for witnesses;
 - Interview, examine the subject(s) for injury, and ensure that the subject(s) receives, or has received needed medical attention. No member shall delay rendering medical attention, requesting Emergency Medical Services (EMS) or the conveyance of any subject to a medical treatment facility, pending the arrival of a supervisor.
 - Scene Preservation - Supervisors shall secure the scene and any evidence and interview witnesses (category 2 only), consistent with Directive 203.1 (Crime Scene Investigation). *In a category 1 the supervisor shall coordinate witness interviews with FI.*
5. In the event an injured person has been conveyed for medical treatment prior to the supervisor’s arrival at the scene, the supervisor shall interview the subject at the medical facility provided the interview will not interfere with the subject’s medical treatment or immediately after treatment is received.
6. Any delay in interviewing the officer(s), subject(s), or witness(s) shall be explained in the investigation.

201.11-6.2 Supervisor’s Immediate Notifications from the Scene

1. The first responding supervisor for all uses of force shall notify FI during the hours of 7:00 a.m. to 5:00 p.m. Notifications after hours, during holidays, and weekends shall be made by contacting Communications Operations and documenting the name and badge number of the operator, who will notify the FI Alert Team. FI shall respond to the scene of, and investigate, all incidents where there is a:
 - a. Critical firearm discharge;
 - b. An in-custody death;
 - c. Where a detainee suffers serious bodily injury;
 - d. Requires hospital admission;
 - e. Where there is a serious use of force; or
 - f. Any allegations of a Category 1 use of force.FI may delegate Category 2 uses of force or detainee injury investigations to the supervisor for a command investigation.
2. The first responding supervisor is responsible for notifying Homicide for all incidents where:
 1. A detainee suffers a serious bodily injury;
 2. Requires hospital admission;
 3. Where there is a serious use of force;
 4. All critical firearm discharges; and

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5. All in-custody deaths.

In all critical firearm discharges and in-custody deaths, Homicide shall respond to the scene and along with the responding investigator(s) from FI to form a Joint Incident Shooting Team (JIST) and comply with the protocol contained in this Directive. In instances where a critical firearm discharge occurs outside of the city of Detroit, the Homicide portion of JIST will not respond. The FI Alert Team will only respond, and with the outside law enforcement agency, take part in the investigation.

3. In all other uses of force, other than critical firearm discharges and in-custody deaths, the first responding supervisor shall immediately notify the OIC of the desk who shall make appropriate district/precinct command notifications, and Crime Scene Services, requested through the Chief Operator (CHO), Communications Operations, at 313.596.1640.
4. OIC of the Desk – District/Precinct of Occurrence
 - a. Notify the commanding officer of all Category 1 incidents.

201.11-6.3 All Category 1 Incidents

The first responding non-involved supervisor shall:

- a. Ensure that all officers involved have completed a UF-002 and CRISNET Report;
- b. Complete a CRISNET Report of the incident, which shall contain the following:
 1. Name of the person notified at FI;
 2. Name of the person handling the investigation; and
 3. Assessment of the incident (who, what, when, where).
- c. Assist as guided by the investigating authority.

THE RESPONDING COMMAND SUPERVISOR **SHALL NOT** COMPLETE A SUPERVISOR INVESTIGATION AND REPORT (SIR) UF-002A FOR A CATEGORY 1 USE OF FORCE.

201.11-6.4 All Category 2 Incidents

The first responding non-involved supervisor shall:

- a. Ensure that all officers involved have completed a UF-002;
- b. Ensure that all involved officers have completed a CRISNET Report (if applicable);
- c. Document the officer and subject's statements of actions taken and injuries sustained;
- d. Review any video related to the incident;
- e. Order Crime Scene Services (CSS) to respond and photograph the officer and subject injuries or complaint of injuries, even if they are not visible. If the subject and/or officers injuries are such that first aid and/or medical treatment is necessary, any photographs taken shall be after such treatment is rendered (at the hospital if conveyed). No photographs shall be taken if there is a chance of complicating existing injuries, doing further harm, or interfering with any medical treatment needed. If photographs are unable to be taken, the reason shall be documented in the "evidence" portion of the SIR. *Photographs shall be taken as soon as feasible or if necessary, taken after medical treatment is received;*

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- f. CSS shall be notified first to respond and photograph the officer and/or subject injuries. If unavailable, the department's use of force/detainee injury digital camera shall be used for photographs;
- g. Request the subject's signature on a Medical Release Authorization Form; and
- h. If criminality emerges during the investigation, it shall immediately be reported to FI between the hours of 7:00 a.m. and 5:00 p.m. daily. Notifications after hours, during holidays, and weekends shall be made by contacting Communications Operations, to notify the FI Alert Team and be guided by their direction.

201.11-6.5 Transporting the Member for Medical Attention

Upon notification that an officer has been wounded or seriously injured, Communications Operations shall dispatch a supervisor from the district/precinct of the injured member's command, if possible, to the hospital where the injured officer will be conveyed. Upon arrival to the hospital, the supervisor shall act as the initial liaison between hospital and police personnel, and shall coordinate respective emergency procedures as the need arises. The supervisor shall remain at the hospital until the supervisor's presence is no longer required, or until relieved by proper authority. If the injured officer is incapacitated/unable to complete the UF-002, the responding supervisor shall complete the report for the member. The supervisor shall indicate in the narrative of the report that the officer is injured and the report is for documentation and auditing purposes.

201.11-6.6 "Acquiring a Target" – Supervisor's Responsibilities

A supervisor is not required to respond to a member's use of force where a member draws a firearm and acquires a target and there is no further use(s) of force involved.

- The primary supervisor, or if the primary supervisor is not on duty, the secondary supervisor shall ensure that the involved officer completes a UF-002 form within MAS.
- All reports/forms completed as a result of the incident shall be reviewed and updated by a supervisor prior to the end of his or her tour of duty.
- The form shall be signed by the officer and the supervisor.
- A Supervisor Investigation and Report (UF-002a SIR) shall not be completed when a member acquires a target with his or her firearm.

Audio/Video Review of "Acquiring of a Target"

Please refer to Training Directive 11-01a, Reporting/Documenting the "Acquiring of a Target Audio/Video Review of the Incident" and section 201.11-7.4, Audio/Video Review by the Investigating Supervisor, for detailed instructions on the following procedure:

Supervisor's Responsibilities

On the date of the incident, the member's designated span of control supervisor shall:

- Ensure that the involved member completes a UF-002 form within MAS;
- Review all forms completed as a result of the incident, including the completed UF-002 form within MAS, prior to the end of the member's tour of duty;

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- Ensure that the form is signed by both the involved member and the involved member's supervisor;
- Review the audio/video content of the incident and document the review in MAS on the "Other – DPD 568_OTHER" form within three (3) days of the reported "acquiring of a target";
- Within MAS, under "Entry & Update" field, click on "New Document," and in the "General" dropdown field select "Other – DPD 568_OTHER," and click the "Fill From" button and:
 - Place "Acquiring of a Target – Video Review" on the "subject" line of the form;
 - Place the UF-002 form# and ID# in the appropriate boxes (e.g., "Related Form#," etc.);
 - Document the following:
 - What was observed on the video;
 - Indicate whether the audio was functional at the time of the incident;
 - Note any discrepancies that may exist between the audio/video content and the member's report;
 - Indicate any recommendation for corrective action; and
 - If the event was not captured on the in-car video for any reason (i.e. equipment missing, a malfunction, or vehicle/camera out of range of incident), the member's supervisor shall document this information on the form;
- After entering the required information, click the "submit" button.
- The supervisor's report shall be printed, signed and forwarded through channels to the member's commander for review.

Submission of Completed Reports to Force Investigation

The completed UF-002 and the Other – DPD 568_OTHER form shall be forwarded to Force Investigation within ten (10) days of the incident. Force Investigation is the final review and repository for this document.

201.11-6.7 Allegations of a Use of Force - Supervisor's Responsibilities

In all instances where a citizen alleges that force was used, a supervisor shall document the incident on a UF-002 and a Citizen Complaint Report (CCR) (DPD 512) through MAS (Please refer to Directive 102.6 – Citizen Complaints). The following procedure shall apply:

1. The supervisor shall first document the incident on a CCR in MAS;
2. After documenting the incident, the supervisor shall make a declarative statement in the narrative portion of the form stating that a UF-002 form will also be prepared;
3. Submit the CCR through MAS, to receive the document's form identification number; and

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4. Once the form identification number is received, the supervisor shall complete the UF-002, indicating the above number in the narrative portion of the form.

The supervisor receiving the complaint shall not recall or request that an involved member(s) immediate supervisor return to the command to take the complaint.

Notifications for Allegations of a Use of Force

FI shall be notified for all allegations of force by the supervisor receiving the allegation between the hours of 7:00 a.m. and 5:00 p.m. daily. Notifications after hours, during holidays, and weekends shall be made by contacting Communications Operations.

Authority to Investigate Allegations of Force

No command shall investigate an allegation of force; all allegations of force will be investigated by FI or the Office of the Chief Investigator (OCI).

Distribution of the Reports for Allegations of a Use of Force

The UF-002 for allegations of force shall be printed out from MAS and forwarded immediately to the following entities with all their related documents:

1. The original to the OCI; and
2. A copy to FI.

201.11-7 Supervisor Investigation Report UF-002A (SIR)

201.11-7.1 Report Submission Timelines

1. All SIR's shall be completed within ten (10) days of the incident.
2. The final command use of force investigation shall be completed within thirty (30) days of the incident.
3. Copies of all reports and command investigations to be sent to FI within seven (7) days of completion of the investigation;
4. All of the following attachments shall be submitted with all completed Use of Force/Detainee Injury investigations:
 - A Use of Force/Detainee Injury Report for all members that use force;
 - CRISNET Report(s);
 - Daily Detail Sheets;
 - Photographs (if unavailable, must be addressed);
 - Detainee Intake form;
 - Medical record(s) (if applicable);
 - Video of incident (if available);
 - Audio of incident (if available);
 - Officer(s) involved prior use(s) of force (member's profile in MAS contains prior uses of force and allegations of misconduct);
 - Officer(s) involved prior disciplinary history; and
 - Any additional relevant documents related to the incident.

All attachments shall be numbered and listed in the SIR report.

201.11 Use of Force Reporting and Investigation**201.11-7.2 Format**

When the command is required to conduct the investigation on a Use of Force or Detainee Injury, it shall be conducted and documented consistent with the requirements contained in the *Use of Force / Detainee Injury Investigation Guide*, which is issued by the Civil Rights Integrity Bureau and on the Department's Intranet page, under *Forms*. The investigating supervisor shall use the format or section headings on the SIR (or attached continuation sheets) to ensure all relevant tasks are complete and that all information has been addressed.

If any of the foregoing headings are not applicable in a particular investigation, the investigating supervisor shall indicate by typing N/A under the heading. The investigating supervisor shall explain why the heading is not applicable.

201.11-7.3 Special Events/Details/Secondary Employment/Extended "Assigned-Out" Status of Members

Members who are assigned to the above stated events/details shall follow the procedures outlined in Training Directive 12-05, Guidelines for Reporting/Documenting all Use of Force/Detainee Injury Incidents Occurring at Special Events/Details/Secondary Employment/Extended "Assigned-Out" Details. This training directive addresses the responsibilities of members at different assignment statuses within the department.

201.11-7.4 Audio/Video Review by the Investigating Supervisor

Supervisors responding to use of force/detainee injury scenes shall review audio/video evidence in the scout car at the scene on the Mobile Data Computer (MDC), if available, and document their observations.

In cases where the vehicle is audio/video equipped, the investigating supervisor shall review any audio/video related to the incident and include a declarative statement under the "evidence" category of the SIR documenting:

1. Whether audio/video exists for the incident, and if not, why not? In either case, a formal request by Interoffice Memorandum (DPD 568) for the audio/video shall be made to Technical Support;
2. Whether the audio/video was reviewed by the investigating supervisor;
3. A detailed description of what the audio/video revealed; and
4. If the audio/video was not captured due to visual obstructions/line of sight issues, give a detailed explanation.

Additionally, investigating supervisors shall be required to canvass the area surrounding the incident location for any additional audio/video camera sources, (e.g., gas stations, party stores, security cameras, etc.) and document their search and the results of their review, if applicable. Copies of additional audio/video sources shall be included in the investigative file.

201.11 Use of Force Reporting and Investigation**201.11-7.5 Photographs**

The investigating supervisor shall make a formal request to CSS to receive copies of photographs taken of the incident. This request shall be made as soon as possible following the member's assignment to the investigation. This request shall be made by phone and by DPD 568 to the commanding officer, CSS.

201.11-7.6 Requirements for Investigative Interviews

1. Whenever practical and appropriate, interviews of complainants and witnesses shall be conducted at sites and times convenient for them, including at their residences or places of business and be documented in the SIR.
2. No individual shall be conveyed by any DPD member without probable cause to arrest or the individual's consent. A citizen may only be conveyed (e.g., police facility) for the purpose of an interview if the citizen consents to the conveyance. All witness conveyances shall be documented on the Witness Conveyance Consent Form (DPD 668).
3. The SIR must follow a question and answer (Q&A) format for the interviews.
4. If the subject refuses to cooperate or is otherwise unable to respond to questions, a second attempt shall be made by the investigating supervisor.

201.11-7.7 Prohibited Investigatory Interview Procedures

1. The use of leading questions that improperly suggest legal justifications for the officer's actions, when such questions are contrary to appropriate law enforcement techniques.
2. The use of the interviews via written questions, when it is contrary to appropriate law enforcement techniques.
3. Statements shall not be taken in violation of any member's constitutional rights. [Refer to Training Directive #04-4 (Garrity Protocol)].

201.11-7.8 Investigatory Report and Evaluation Requirements

All investigatory reports and evaluations require:

- a. A precise description of the facts and circumstances of the incident, including a detailed account of the subject(s), complainant(s), and officer(s) actions and an evaluation of the initial stop or seizure;
- b. A review of all relevant evidence, including circumstantial, direct and physical evidence;
- c. The fact that a subject or complainant pled guilty or was found guilty of an offense shall not be considered as evidence of whether a DPD officer(s) engaged in misconduct, nor shall it justify discontinuing the investigation;
- d. Reasonable credibility determinations, with no automatic preference given to an officer's statement over a non-officer's statement. A witness shall not have his or her statement discounted merely because the witness has some connection to the subject or complainant;
- e. An evaluation of whether an officer complied with DPD policy;

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- f. An evaluation of all uses of force, including the officer's tactics, and any allegations or evidence of misconduct uncovered during the course of the investigation;
- g. All administrative investigations shall be evaluated based on a preponderance of the evidence standard; and
- h. Any recommended non-disciplinary corrective action, or disciplinary action, shall be documented in writing up to the rank of commander.

201.11-7.9 Requirements for Review

Review of all investigations shall require:

1. Investigations shall be reviewed by the chain of command above the investigating supervisor;
2. The reviewing supervisors shall identify any deficiencies in the investigation, and require that the due date is met;
3. The reviewing supervisor shall recommend, and the final reviewing authority shall refer, any incident with training, policy or procedural implications to the appropriate DPD entity;
4. The appropriate, non-disciplinary corrective action (verbal counseling, additional training, etc.) and/or disciplinary action shall be recommended by any member of the reviewing chain of command, when an investigator and/or reviewing supervisor fails to comply with this Directive or DPD policies or procedures; and
5. A written explanation by any supervisor, including the Chief of Police, who disagrees with a finding, or departs from a recommended non-disciplinary corrective action or disciplinary action, including the basis for departure.

201.11-8 FI Reporting Requirements**201.11-8.1 Report Submission by FI**

1. Investigations are to be completed within sixty (60) days of incident.
2. Allegations of force are to be completed within ninety (90) days of the incident.
3. Critical firearms discharges and in-custody deaths shall be completed within sixty (60) days of incident. If a Garrity statement becomes necessary, the investigation may be deferred until thirty (30) days from the declination or conclusion of any criminal prosecution.

Related Policies:

- Directive 102.6 – Citizen Complaints
- Directive 203.1 – Crime Scene Investigations
- Directive 203.9 – Custodial Questioning
- Directive 304.2 – Use of Force
- Directive 305.4 – Holding Cell Areas
- Training Directive #04-4 Garrity Protocol
- Training Directive #11-01 Reporting/Documenting the “Acquiring of a Target”
- Training Directive #1101a Reporting/Documenting the “Acquiring of a Target” Audio/Video Review of the Incident

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- Training Directive #12-05 Guidelines for Reporting/Documenting all Use of Force/Detainee Injury Incidents Occurring at Special Events/Details/Secondary Employment/Extended “Assigned-Out” Details
- Use of Force / Detainee Injury Investigation Guide

Related Forms:

- Citizen Complaint Report (DPD 512)
- Interoffice Memorandum (DPD 568)
- Supervisory Investigation Report (SIR) (UF-002A)
- Use of Force / Detainee Injury Report (UF-002)
- Witness Conveyance Consent Form (DPD 668)